

## PLANNING COMMISSION

March 23, 2016

Action Report

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Commissioners Abelite, Ballard, O'Halloran, and Yesney

ABSENT: Commissioners Yob, Bit-Badal (arrived at 7:03 pm), and Pham

### SUMMARY OF HEARING PROCEDURES

#### 1. PUBLIC COMMENT

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*Member of the public raised concerns that the City is not undertaking efforts to develop pollinating insect corridors on City properties along PG&E easements to lessen impacts to Western Monarch butterflies and colonized bees.*

#### 2. DEFERRALS AND REMOVALS FROM CALENDAR

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- a. **CP15-053 (Administrative Hearing).** Conditional Use Permit to allow a 497 square foot expansion of a single-family residence (parish rectory) structure at a legal nonconforming church on an approximately 6.74 gross acre site in the A Agricultural Zoning District located on the southerly side of McKean Road, approximately 1,750 feet southeasterly of Harry Road (20101 McKean Road). (Roman Catholic Bishop of San Jose, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. **PROJECT MANAGER, DAVID FONG**

**MOVED FROM CONSENT ITEM 3.A.**

- 1. DEFERRED TO THE 4/13/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

### 3. CONSENT CALENDAR

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- a. [CP15-053 \(Administrative Hearing\)](#). Conditional Use Permit to allow a 497 square foot expansion of a single-family residence (parish rectory) structure at a legal nonconforming church on an approximately 6.74 gross acre site in the A Agricultural Zoning District located on the southerly side of McKean Road, approximately 1,750 feet southeasterly of Harry Road (20101 McKean Road). (Roman Catholic Bishop of San Jose, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *PROJECT MANAGER, DAVID FONG*
- HEARD UNDER DEFERRALS ITEM 2.A.**
- 1. DEFERRED TO THE 4/13/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**
- b. [CP15-075 \(Administrative Hearing\)](#). Conditional Use Permit to allow the installation of a utility structure (communication services) and an associated generator on a 0.61 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the southeast corner of Blossom Hill Road and Blossom Park Lane (City of San Jose, Owner). Council District 10. CEQA: Addendum to Mitigated Negative Declaration Google Fiber Resolution No. 77591. *Deferred from 1/27/16; Dropped and Re-Noticed from 2/10/16. PROJECT MANAGER, EMILY LIPOMA*
- PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**
- 1. DETERMINED THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION GOOGLE FIBER RESOLUTION NO. 77591 IS IN ACCORDANCE WITH CEQA (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-021 (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**
- c. [CP15-077 \(Administrative Hearing\)](#). Conditional Use Permit to allow the installation of a utility structure (communication services) and an associated generator on a 1.1 gross acre site in the CO Commercial Office Zoning District located on east side of Guadalupe Parkway, approximately 366 feet southerly of Mission Street (City Of San Jose, Owner). Council District 3. CEQA: Addendum to Mitigated Negative Declaration Google Fiber Resolution No. 77591. *PROJECT MANAGER, EMILY LIPOMA*
- 1. DETERMINED THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION GOOGLE FIBER RESOLUTION NO. 77591 IS IN ACCORDANCE WITH CEQA (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-022 (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**
- d. [CP15-082 \(Administrative Hearing\)](#). Conditional Use Permit to allow the installation of a utility structure (communication services) and associated generator, the removal of two ordinance-sized trees, and for the associated equipment to exceed the Zoning Ordinance performance standard by 15 DBA at a residentially-zoned property on a 7.84 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the southwest side of Williams Road, approximately 370 feet southerly of Moorpark Avenue (5090 Williams Road) (City of San Jose, Owner). Council District 1. CEQA: Addendum to Mitigated Negative Declaration Google Fiber Resolution 77591. *PROJECT MANAGER, EMILY LIPOMA*

1. **DETERMINED THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION GOOGLE FIBER RESOLUTION NO. 77591 IS IN ACCORDANCE WITH CEQA (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-023 (4-0-3, YOB, BIT-BADAL, & PHAM ABSENT)**

#### **4. PUBLIC HEARING**

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- a. [An Ordinance of the City of San José](#) extending and re-establishing a temporary moratorium on the closure or conversion of Mobilehome Parks to any other use and suspending the provisions of Chapter 20.180 of Title 20 (Zoning) of the San José Municipal Code, pending the review and possible amendment and/or adoption of land use regulations related to Mobilehome Park conversions, setting forth the findings to support the temporary moratorium and its extension. Council District: Citywide. CEQA: The provisions of this Ordinance have been found to be not a project under the California Environmental Quality Act of 1970 (“CEQA”), together with regulations and guidelines promulgated thereunder (including without limitation Section 15378 of the CEQA Guidelines), and this Ordinance is also exempt from CEQA pursuant to Section 15061(b)(3) because it has no potential for causing a significant effect on the environment, and Section 15308 as a regulatory action under the City’s police power to assure maintenance and protection of the environment pending evaluation and adoption of potential local legislation and regulation. File No. PP15-084. **PROJECT MANAGER, JENNY NUSBAUM**
  1. **CONSIDERED THE DETERMINATION OF NOT A PROJECT AND THE EXEMPTIONS ARE IN ACCORDANCE WITH CEQA (5-0-2, YOB & PHAM ABSENT)**
  2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE EXTENDING AND RE-ESTABLISHING A TEMPORARY MORATORIUM ON TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (4-1-2, ABELITE OPPOSED; YOB & PHAM ABSENT)**

#### **5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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*No Items*

#### **6. GOOD AND WELFARE**

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- a. Report from City Council  
*Residence Inn/Marriott Rezoing; Mazzone Rezoning; Silver Creek Commercial Plaza Rezoning*
- b. Review and Approve Synopsis from [3-9-16](#)  
*Synopsis Approved (4-0-2-1, Yob & Pham Absent; Bit-Badal Abstained)*
- c. Subcommittee Formation, Reports, and Outstanding Business  
*No Reports*
- d. Commission Calendar and Study Sessions  
*Planning Commission requested a Study Session on Downtown and North San Jose policy updates and a future meeting to discuss and upcoming bylaw amendment regarding when two or more Planning Commissioners abstain or when there is a tied vote.*

e. The Public Record

*No Items*

## **ADJOURNMENT**